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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,406	06/22/2000	ROMAN VITENBERG	106545	8259
24505	7590	04/26/2004	EXAMINER	
DANIEL J SWIRSKY PO BOX 2345 BEIT SHEMESH, 99544 ISRAEL			CHUNG, JASON J	
			ART UNIT	PAPER NUMBER
			2611	1.1

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,406

Applicant(s)

VITENBERG, ROMAN

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-48 is/are pending in the application.
- 4a) Of the above claim(s) 36-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-48 is/are rejected.
- 7) ☒ Claim(s) 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6,9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 36-45, drawn to transmitting signals over telephone lines, classified in class 379, subclass 93.08.
 - II. Claims 46-48, drawn to transmitting video signals from a local server, classified in class 725, subclass 82.

During a telephone conversation with Mr. Dan Swirsky on 3/31/04 a provisional election was made without traverse to prosecute the invention of group 2, claims 46-48. Affirmation of this election must be made by applicant in replying to this Office action. Claim 36-45 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System for providing Video to Subscribers in a Multiple Dwelling Unit.

3. Claim 48 is objected to because of the following informalities: claim 48, line 1 states, "according to claim 46 and also". The examiner interprets claim 48, line 1 to state, "according to claim 46 also". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 47, line 2 states “generally simultaneously”. The examiner respectfully requests the applicant to clarify the claim language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 46, 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenwick, Jr et al (US 2003/020/4852 A1).

Regarding claim 46, Fenwick discloses the broadcast channels are customized for each facility to advertise the available features and any information a facility wishes to convey to the guests (page 4, paragraph [0031]). Fenwick discloses each guest room is supplied with a keyboard for use in a PC and a lodging facility (page 4, paragraph [0033-0035]), which meets the limitation more than one subscriber premises. Fenwick discloses the video distribution system

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for distributing video in a lodging facility (page 1, paragraph [0012]). Fenwick discloses the audiovisual serving devices 8 deliver program to the users (pages 1-2, paragraph [0014]).

Fenwick discloses the programming subsystem may include numerous audiovisual serving devices (page 3, paragraph [0022]). Fenwick discloses each of the AV streams is transmitted to the user using a RF modulator assigned to that audiovisual serving device 8 and providing a television output signal on a selected RF frequency (pages 4-5, paragraph [0037]). Fenwick discloses the SMS 10 keeps track of currently available resources and allocates the tasks of providing program material to users among the various audiovisual serving devices (page 2, paragraphs [0018-0019]); each of the audiovisual devices interacting with the SMS 10 meets the limitation on a multiplicity of interface controllers. Fenwick discloses the LPS 18 is used to store and playback broadcast channels that are presented to the user when the system is activated in the user's rooms (page 4, paragraphs [0030-0031]), which meets the limitation on a multiplicity of interface controllers, each connectable to a subscriber converter (devices 8) serving one of the subscriber premises.

Fenwick discloses the system delivers to the users a variety of program material from a variety of sources that include scheduled programs, satellite and terrestrial broadcasts (page 1, paragraph [0013]). Fenwick discloses the LPS 18 is supplied program material to be delivered and loaded on the audiovisual serving devices outside the dates the facility is licensed to present it to users (pages 3-4, paragraph [0029]). Fenwick discloses the LPS is used to store and playback broadcast channels that are presented to the user when the system is activated in the user's rooms (page 4, paragraph [0031]), which meets the limitation on means for downloading video films or broadcast from a central office of a communication service provider through at

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least one of the subscriber converters and a storage unit for storing the downloaded video films or broadcast.

Fenwick discloses the LPS 18 begins transmitting the program to the user (page 4, paragraph [0030]). Fenwick discloses each of the AV streams is transmitted to the user using a RF modulator assigned to that audiovisual serving device 8 and providing a television output signal to the users on a selected RF frequency (pages 4-5, paragraph [0037]), which meets the limitation on means for transmitting a selected one of the downloaded films or broadcast to one of the subscriber premises through its associated subscriber converter.

Regarding claim 48, Fenwick discloses the program material may come from satellite and terrestrial broadcasts, magneto-optical jukebox video servers (page 1, paragraph [0013]; page 3, paragraph [0026]), which meets the limitation on at least one interface controller connectable to a data receiving system selected from the group consisting of satellite broadcast receiving system, cable TV receiver equipment, and terminal receiver device for an optical fiber.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenwick (US 2003/0204852 A1).

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Regarding claim 47, Fenwick discloses the system delivers to the users a variety of program material from a variety of sources that include scheduled programs, satellite and terrestrial broadcasts (page 1, paragraph [0013]). Fenwick discloses the LPS 18 is supplied program material to be delivered and loaded on the audiovisual serving devices outside the dates the facility is licensed to present it to users (pages 3-4, paragraph [0029]). Fenwick discloses the LPS 18 is used to store and playback broadcast channels that are presented to the user when the system is activated in the user's rooms (page 4, paragraphs [0030-0031]). Fenwick discloses the SMS tracks the currently available resources and the audiovisual device will no longer be available to other devices while in use (page 2, paragraphs [0018-0019]), which meets the limitation on selected subscriber converters are not in current use by the respective subscriber premises.

Fenwick is silent as to whether the downloading is occurring simultaneously through more than one selected subscriber converters. The examiner takes Official Notice that parallel recording is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fenwick to record more than one program simultaneously (parallel) in order to reduce the amount of time it takes to record the programs.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



VIVEK SRIVASTAVA
PRIMARY EXAMINER